UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,400	09/11/2003	Song-Rae Cho	P-0530	3763

	EXAMINER
34610 7590 11/09/2006	MEHRPOUR, NAGHMEH

FLESHNER & KIM, LLP
P.O. BOX 221200
CHANTILLY, VA 20153

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 April 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3-22,24 and 25</u> is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1, 3-22, 24-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

 a)☐ All   b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   **Claims 1, 3-22, 24-25,** are rejected under 35 U.S.C. 102(e) as being anticipated

by Qu et al. (US Publication 2004/0203615 A1).

Regarding claims 1, 8, Qu teaches a method for changing a parameter of a mobile

telecommunication terminal, comprising:

forming a short message service (SMS) message including a parameter to be

changed in a mobile telecommunication terminal to receive the SMS message (0025,

0030-0031); and

transmitting the SMS message to change a pre-stored parameter that controls a

performance of the mobile telecommunication terminal (0006, 0031, 0037-0038). Qu

inherently teaches a parameter to be changed in a mobile telecommunication terminal

to receive the SMS message and a password (see table 3) for a certification with a

destination mobile telecommunication terminal (0046-0049);

changing the stored parameter at the mobile telecommunication terminal

when the password contained in the SMS message is identical to a password to

a password stored in the mobile telecommunication terminal 9006, 0025, 0046-

0049).

Regarding claims 3, 9, Qu teaches a method wherein the information are already in the

mobile (0006,0046) wherein the password already stored (see table 3) in each mobile

telecommunication terminal (0046-0049).

Regarding claim 4, Qu inherently teaches a method of claim 2, wherein the parameter

and password are included as parameters of the SMS message (0025, 0046-00049).

Regarding claim 5, Qu inherently teaches a method of claim 2, wherein the further comprising

discarding the SMS message when the password of the SMS message is identical to a

password (see table 3) stored in the mobile telecommunication terminal (0006, 0025, 0046-

0049).

Regarding claim 6, Qu teaches a method of claim 1, wherein the parameter to be

changed controls a performance of the mobile telecommunication terminal (0042).

Regarding claim 7, Qu teaches a method of claim 1, further comprising:

receiving the SMS message at the mobile telecommunication terminal **after the**

transmitting (0027-0031);

storing the parameter to be changed in a memory of the mobile

telecommunication terminal (0006); and

applying the parameter to the mobile telecommunication terminal (0055-0056) .

Regarding claim 8, Qu teaches a method for changing a performance controlling

parameter of a mobile telecommunication terminal, comprising: receiving a short

message service (SMS) message, at the mobile telecommunication terminal, the SMS

message, including a password of a mobile telecommunication terminal and a

performance controlling parameter of the mobile telecommunication terminal to be

changed **the password being used to certify a sender of the SMS message** (0025,

0030-0031);

storing the performance controlling parameter **to replace** a pre-stored

performance controlling parameter in the mobile telecommunication terminal that

received the SMS message (0006, 0031, 0037-0038); and

applying the performance controlling parameter to the mobile telecommunication

terminal (0056-0060).

Regarding claim 10, Qu teaches a method of claim 8, **further comprising by the**

sender before the receiving;

forming the SMS message by inputting the performance controlling parameter to

be changed to a performance controlling parameter field of the SMS message (0042);

inputting the password (table 3) corresponding to the mobile telecommunication

terminal to a performance controlling password field of the SMS message (0048-0050);

and

transmitting the SMS message to the mobile telecommunication terminal (0006,

0031, 0037-0037).

Regarding claim 11, Qu teaches a method of claim 8, wherein storing the performance

controlling parameter comprises: performing a certification process by using the

password (table 3) of the received SMS message; and

storing the performance controlling parameters to a memory of the mobile

telecommunication terminal (0044, 0055).

Regarding claim 12, Quteaches a method of claim 11, wherein the certification process

comprises comparing the password with a stored password in the memory of the

mobile telecommunication terminal **to certify that the sender of the SMS message**

is authorized to change the performance controlling parameter of the mobile

telecommunication terminal (0068).

Regarding claim 13, Quteaches a method of claim 11, wherein performing the

certification process comprises determining of whether the password (table 3)

extracted from the SMS message is identical to a password already stored in the

mobile telecommunication terminal or not is made in the certification process (0059).

Regarding claim 14, Qu teaches a method of claim 12, wherein **discarding** the

received SMS message by the mobile telecommunication terminal if the extracted

password is not identical to the password already **stored** in the mobile

telecommunication terminal (0046-0049, 0065).

Regarding claim 15, Qu teach a method of claim 11, wherein the memory is a

nonvolatile memory in which performance controlling parameters of the mobile

telecommunication terminal are stored (0006).

Regarding claim 16, Qu teaches a method for changing a performance controlling

parameter of a mobile telecommunication terminal, comprising: receiving a short

message service (SMS) message by the mobile telecommunication terminal; and

including the performance controlling parameter as a parameter of the mobile

telecommunication terminal that received the SMS message wherein a value for

changing the performance controlling parameter is included as a special field among

SMS message formats of the mobile telecommunication terminal (0045-0046).

Regarding claim 17, Qu teaches a method of claim 16, wherein the special field

comprises:

a CHARi field configured to contain the performance controlling parameter value
to be changed (0057); and

a MSG_ENCODING field to denote a kind of codes inputted to the

CHARi field (0057).

Regarding claim 18, Qu teaches a method of claim 17, wherein a sub-parameter of the
CHARi field (0056-0057) comprises:

a performance controlling password field where a password is inputted; and

a performance controlling parameter field where the performance
controlling parameter value to be changed is inputted (0046-0049, 0056-0057).

Regarding claim 19, Qu teaches a method of claim 17, wherein the CHARi field is
inputted (0057), wherein the CHARi field is inputted by an octet unit (0059-0060).

Regarding claim 20, Qu teaches a method of claim 19, wherein a prescribed byte
notifying a change of the performance controlling parameter is inputted in a first octet
of the CHARi field and a change value for the performance controlling parameter is
inputted to a second octet (0060-0062).

Regarding claim 21, Qu teaches a method of claim 16, wherein including the

performance controlling parameter comprises replacing the parameter of the mobile

telecommunication terminal with the performance controlling parameter (0060-0061).

Regarding claim 22, Qu teaches a short message service (SMS) message, comprising:

a CHARi field, configured to contain a performance controlling parameter value

to be provided to a mobile communication terminal to modify an operation of the mobile

telecommunication terminal (0056-0060); and

a MSG-ENCODING field, to indicate a kind of code used in the CHARi field

(0057); and

a performance controlling password field configured to contain a password

of the mobile communication terminal to authentic a sender of the SMS message

(0046-0049).

Regarding claim 24, Qu teaches a method wherein forming the SMS message

comprises forming the SMS message at a mobile telecommunication provider or a

mobile telecommunication terminal manufacture (0036-0039).

Regarding claim 25, Qu teaches a method wherein further changing an error of the

mobile communication terminal based on the parameter to be changed included within

the SMS message (0061-0061)

Response to Arguments

3.   Applicant's arguments filed 4/11/06 have been fully considered but they are not

persuasive.

In response to the applicant's argument that Qu does not teach "*forming a SMS*

message including a parameter to be changed in a mobile telecommunication to

receive a SMS message and a password for a certification of a sender of the

SMS message".

The Examiner asserts that Qu does teach mobile user's ability to control which

broadcast messages to receive and process by the mobile station is also useful for

various situations. To reduce power consumption and memory usage, the mobile user

may (1) temporarily disable the broadcast SMS functions, (2) selectively enable or

disable any programmed entry in the service table, (3) limit the priority of the received

services, and so on. For example, a mobile user may be interested in weather

forecasts but not stock quotes (e.g., during non-working hours). This same user may

thereafter change the service selections to enable stock quote and disable weather

forecasts (e.g., during working hours). As another example, a mobile user may be

interested in emergency or urgent weather forecasts at one moment and may be

interested in all types of weather forecasts at another moment. Therefore, Qu does

teach *forming a SMS message including a parameter to be changed in a mobile*

telecommunication to receive a SMS message and a password for a certification of a

sender of the SMS message".

In response to the applicant's argument that "*Qu does not teach receiving an*

SMS message and a password for a certification of a sender of the SMS message"

The Examiner asserts that Qu teaches filtering criteria are defined by settings stored in a removable module (e.g., the R-UIM) coupled to the receiver. The received broadcast message is then processed if it is not filtered out by the one or more filtering criteria. The one or more filtering criteria may include (1) those imposed by a service provider and defined by a network configuration setting, (2) those determined by the mobile user and defined by a user configuration setting, (3) those selected by the mobile user based on user preferences, or (4) any combination thereof. The network configuration setting may indicate that all broadcast messages are allowed to be received ("Allow All"), no broadcast messages are allowed to be received ("Disallow"), or only broadcast messages for entries programmed in a service table are allowed to be received ("Allow Table Only"). The user configuration setting may indicate that all allowed broadcast messages are to be received ("Activate All"), no broadcast messages are to be received ("Deactivate"), or only broadcast messages for entries programmed in a service table are to be received ("Activate Table Only"). The above paragraph explains the features of Qu that functions as password for certification of a sender of the SMS message.

In response tot e applicant's argument that *"Qu does not teach changing the stored parameter at the mobile telecommunication terminal when the password contained in the SMS message is identical to a password stored in the mobile telecommunication terminal"*, and the value for changing the performance controlling parameter.

The Examiner asserts that Qu teaches filtering criteria are defined by settings stored in a removable module (e.g., the R-UIM) coupled to the receiver. The received broadcast message is then processed if it is not filtered out by the one or more filtering criteria. The one or more filtering criteria may include (1) those imposed by a service provider and defined by a network configuration setting, (2) those determined by the mobile user and defined by a user configuration setting, (3) those selected by the mobile user based on user preferences, or (4) any combination thereof. The network configuration setting may indicate that all broadcast messages are allowed to be received ("Allow All"), no broadcast messages are allowed to be received ("Disallow"), or only broadcast messages for entries programmed in a service table are allowed to be received ("Allow Table Only"). The user configuration setting may indicate that all allowed broadcast messages are to be received ("Activate All"), no broadcast messages are to be received ("Deactivate"), or only broadcast messages for entries programmed in a service table are to be received ("Activate Table Only"). The above paragraph explains the features of Qu that functions as *teach changing the stored parameter at the mobile telecommunication terminal when the password contained in the SMS message is identical to a password stored in the mobile telecommunication terminal*", and the value for chaning the performance controlling parameter.

Conclusion

4.   Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

5.   **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Naghmeh Mehrpour whose telephone number is 5571-

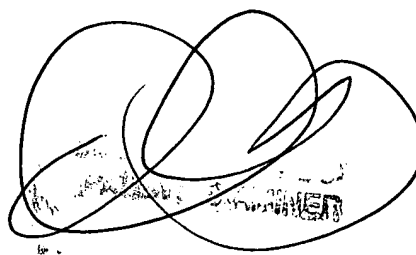272-791313. The examiner can normally be reached on 8:00 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding

is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

NM

November 6, 2006